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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,668	06/05/2000	Tao Chen	PA000245	8446
23696	7590	02/09/2005	EXAMINER	
Qualcomm Incorporated Patents Department 5775 Morehouse Drive San Diego, CA 92121-1714			SMITH, SHEILA B	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/587,668

**Applicant(s)**

CHEN, TAO

**Examiner**

Sheila B. Smith

**Art Unit**

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 11-28 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 29 is/are allowed.
- 6) ☐ Claim(s) 1-8 and 11-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-8, 11-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Derryberry et al. (U.S. Patent Number 6,498,785) in view of Hunzinger (U. S. Patent Number 6,678,530).

*Regarding claims 1-4, 11, 19-26*, Derryberry et al. discloses all the claimed invention as set forth in the instant application, further Derryberry et al. discloses a method and apparatus for power control on a common channel in a telecommunication system. Additionally, Derryberry et al. detecting a quality of a signal received at a base station transceiver subsystem engaged in soft handoff with a wireless device (which read on column 4 lines 34-39 and column 9 lines 10-13), and discloses instructing wireless device to increase a pilot channel power level (which read on column 1 lines 53-58), instructing the wireless device to decrease a power gain of other channels in relation to the pilot channel (which read on column 10 lines 35-42). However Derryberry et al. fails to specifically disclose instructing the base station to improve the signal quality transceiver subsystem to improve the signal quality if the quality is below a predefined target signal quality.

In the same field of endeavor Hunzinger discloses dynamic power control of a channel signal control in closed loop communications. Hunzinger further disclose instructing the base

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station to improve the signal quality transceiver subsystem to improve the signal quality if the quality is below a predefined target signal quality (which reads on column 4 lines 13-19 and column 1 lines 27-30).

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Derryberry et al. by specifically providing for instructing the base station to improve the signal quality transceiver subsystem to improve the signal quality if the quality is below a predefined target signal quality as taught by Hunzinger et al. for the purpose of maintaining a indicated power level.

***Regarding claims 5, 6,*** Derryberry discloses a first processor (218) configured to detect a quality of signal received at a base station (which read on column 7 lines 32-48), a second processor (208) coupled to the first processor (218) to instruct the increase a pilot channel as (exhibited in figure 2 and disclosed in column 7 lines 37-40).

***Regarding claims 7-8, 12-18,*** Derryberry discloses a processor (28,34), a storage medium, disclosed in column 10 lines 29-35, Additionally, Derryberry detecting a quality of a signal received at a base station, instructing the base station to improve the signal quality (which reads on column 3 lines 20-23) and Derryberry further discloses instructing wireless device to increase a pilot channel power level (which read on column 1 lines 53-58), instructing the wireless device to decrease a power gain of other channels in relation to the pilot channel (which read on column 10 lines 35-42). However Derryberry et al. fails to specifically disclose instructing the base station to improve the signal quality transceiver subsystem to improve the signal quality if the quality is below a predefined target signal quality.

In the same field of endeavor Hunzinger discloses dynamic power control of a channel signal control in closed loop communications Hunzinger further disclose instructing the base station to improve the signal quality transceiver subsystem to improve the signal quality if the quality is below a predefined target signal quality (which reads on column 4 lines 13-19 and column 1 lines 27-30).

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Derryberry et al. by specifically providing for instructing the base station to improve the signal quality transceiver subsystem to improve the signal quality if the quality is below a predefined target signal quality as taught by Hunzinger et al. for the purpose of maintaining a indicated power level.

***Regarding claim 27,*** Derryberry discloses a detecting a quality of a signal received at a base station transceiver subsystem engaged in soft handoff with a wireless device (which read on column 4 lines 34-39 and column 9 lines 10-13), and discloses instructing wireless device to increase a pilot channel power level (which read on column 1 lines 53-58), instructing the wireless device to decrease a power gain of other channels in relation to the pilot channel (which read on column 10 lines 35-42)

***Regarding claim 28,*** Derryberry discloses a detecting a quality of a signal received at a base station transceiver subsystem engaged in soft handoff with a wireless device (which read on column 4 lines 34-39 and column 9 lines 10-13), and discloses instructing wireless device to increase a pilot channel power level (which read on column 1 lines 53-58), instructing the wireless device to decrease a power gain of other channels in relation to the pilot channel (which read on column 10 lines 35-42).

***Allowable Subject Matter***

2. Claim 29 is allowed.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-8, 11-28 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise, can be reached on 703- 306-0003 . The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Sheila Smith *SS*  
February 6, 2005

*E. Moise*  
FRANCIS L. MOISE  
PATENT EXAMINER